

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:

Mitchel C. Duckworth
228 Garner Road
Mount Olive, MS 39119

CHAPTER 13 PROCEEDING:

10-52742 KMS

MOTION TO DISMISS - NON PAYMENT INTO PLAN

COMES NOW, Chapter 13 Trustee J.C. BELL, and files this his Motion to Dismiss this proceeding and in support thereof shows unto the Court that the Debtor has failed to make full, regular, timely payments into the Plan as required by Chapter 13 of the Bankruptcy Code.

TRUSTEE PROPOSES THE FOLLOWING resolutions to this Motion to Dismiss:

- (a) The total default in payments, AS SET OUT BELOW, and those plan payments that may become due after the date of this Motion, must be paid to the Trustee by the RESOLUTION DEADLINE SET OUT BELOW.
- (b) The plan payment is increased with the next payment due in the month following the hearing date set out in the attached Notice of Trustee's Motion to Dismiss - Non Payment. An agreed Order must be executed by the date below.
- (c) A motion to modify or suspend your current plan payments may be filed with the Court, which is recommended for approval by the Trustee. (NOTE: The Trustee should receive a copy of the modification and/or suspension by the RESOLUTION DEADLINE SET OUT BELOW to allow sufficient time for examination and recommendation.)

The Order Denying Trustee's Motion to Dismiss may contain a STRICT ENFORCEMENT PROVISION regarding future payments into the plan.

DATED: April 13, 2011

AMOUNT DUE THROUGH ABOVE DATE: \$866.00

RESOLUTION DEADLINE: May 09, 2011

/s/ J.C. BELL

J.C. BELL, TRUSTEE

P.O. BOX 566

HATTIESBURG, MS 39403

(601) 582-5011

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NOTICE OF TRUSTEE'S MOTION TO DISMISS - NON PAYMENT

NOTICE IS HEREBY GIVEN to the Debtor that a Motion to Dismiss this case has been filed by the Trustee.

NOTICE IS FURTHER GIVEN that if none of the Trustee's proposed resolutions are made, a written response must be filed at the Bankruptcy Court, ten (10) days prior to the preliminary hearing, which is set for:

May 19, 2011 at 11:00 am at the U.S. William M. Colmer Federal Building, Court Room #1, 701 N Main Street, Hattiesburg, MS 39401

All responsive pleadings MUST be filed with the Clerk's Office, 2012 15th Street, Gulfport, MS 39501, with a copy provided to the Trustee. Unless an Order Denying Trustee's Motion to Dismiss has been entered or unless the Debtor has filed a Motion to Modify Plan, which has received Trustee's approval, the Debtor and the Debtor's attorney are required to attend the preliminary hearing.

DATED: April 13, 2011

/s/ J.C. BELL

J.C. BELL, TRUSTEE
P.O. BOX 566
HATTIESBURG, MS 39403
(601) 582-5011

CERTIFICATE OF SERVICE

I, J.C. BELL, Trustee, do hereby certify that I have transmitted electronically via CM/ECF and/or mailed this day by first class mail, a true and correct copy of this NOTICE and the attached MOTION TO DISMISS - NON PAYMENT INTO THE PLAN to the Debtor and attorney listed below.

DEBTOR:

Mitchel C. Duckworth
228 Garner Road
Mount Olive, MS 39119

ATTORNEY FOR DEBTOR:

WILLIAM WESLEY STOVER, JR.
775 EAST FORTIFICATION STREET
JACKSON, MS 39202

/s/ J.C. BELL

J.C. BELL, TRUSTEE